

## STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

COUNTY OF UNION

15-CVS-2740

DEPARTMENT OF TRANSPORTATION,  
Plaintiff,

vs.  
 Billy F. Aycoth, Sr. as Trustee  
 of the Aycoth Family Trust under Trust  
 dated January 5, 2010  
 Defendant(s).

MEDIATION SETTLEMENT  
AGREEMENT

The following settlement was reached in a Mediation Settlement Conference in the above-entitled matter held on March 10, 2013. 2017

(1) The original condemnation deposit in the amount of \$ 53,200.00 was deposited for the taking into the Office of the Union County Clerk of Superior Court when this action was filed.

(2) The parties herein agree to settle this highway condemnation action by the payment of the original deposit in Court plus an additional sum of \$ 51,800.00, for total compensation in the amount of \$ 105,000.00, as final settlement of all claims in this action, including any claims for interest and costs.

(3) The terms of this settlement are expressly conditioned upon the further approval of:

- ☐ The Review Board for the Department of Transportation's Right of Way Branch.  
☐ The Secretary of Transportation.  
☐ The Attorney General pursuant to G.S. 114-2.4.  
☒ Not Applicable. Settlement less than \$75,000.00 per above G. S. 114-2.4.

(4) The plaintiff will prepare a Consent Judgment to be signed by all parties and counsel.

(5) Other terms of settlement: This resolves all actions between the NCDOT-Turnpike Authority and the defendant. It is further stipulated that a new action will be filed within 90 days + the State of NC (DEQ) will accept service for the new action.

This the 10<sup>th</sup> day of March 2017.

DEPARTMENT OF TRANSPORTATION

By: [Signature]  
 Assistant Attorney General

By: [Signature]  
 Area Negotiator/Assistant State  
 Negotiator

By: [Signature]  
 Mediator

By: [Signature]  
 Attorney for Defendant(s), State of NC  
 Asst. AG

By: [Signature]  
 Defendant, Samuel Aycoth, Co-Trustee  
 of Aycoth Family Trust

By: [Signature]  
 Defendant, Billy Aycoth, Jr., Co-Trustee  
 of Aycoth Family Trust

[Signature]  
 Attorney for Def. Aycoth Family Trust  
 DOJRAL-02606

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
15-CVS-02740

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION TURNPIKE  
AUTHORITY,

Plaintiff,

v.

BILLY F. AYCOTH, Sr., as Trustee of the  
Aycoth Family Trust under Trust dated  
January 5, 2010 et al.

Defendant/Third-Party Plaintiff,

v.

STATE OF NORTH CAROLINA,

Third-Party Defendant.

**STIPULATION OF DISMISSAL,  
WITHOUT PREJUDICE, AS TO  
STATE OF NORTH CAROLINA,  
ONLY**

Defendant Billy F. Aycoth, Sr., and the State of North Carolina, each through their respective counsel, pursuant to Rule 41(a)(1) of the North Carolina Rules of Civil Procedure, hereby stipulate and agree as follows:

1. Defendant Aycoth hereby gives notice of and takes a voluntary dismissal, without prejudice, of his claims and action against the State of North Carolina, only. For avoidance of doubt, this Stipulation of Dismissal does not dismiss or affect in any way Defendant Aycoth's counterclaims against the North Carolina Department of Transportation Turnpike Authority.
2. The undersigned agree that the Aycoth Family Trust will have ninety (90) days from the date of this Stipulation to file a new action based upon the same claim against the State of North Carolina in Union County Superior Court, and the State of North Carolina stipulates and agrees that it will accept service of such new action.

**[SIGNATURES ON FOLLOWING PAGE]**